

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

| | | |
|-----------------------------------|---|---|
| FLEXI-VAN LEASING, INC. | : | |
| Plaintiff, | : | Civil Action No. 05-5730 (JAP) |
| -v- | : | |
| VALLEY BANANA KING, INC., ET AL., | : | ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE |
| Defendants. | : | |
| | : | |

This matter having come before the Court on the Report and Recommendation of United States Magistrate Judge Madeline Cox Arleo, filed on June 6, 2006; and the Court having received no objections; and the Court having reviewed the Report and Recommendation and for good cause having been shown, **IT IS**

ON this 1st day of September, 2006,

ORDERED that the Report and Recommendation of Magistrate Judge Arleo filed on June 6, 2006, recommending that the Court strike Defendant Transportes Refrigerados Leo, Inc.'s ("Transportes") answer and enter default against Transportes for failure to secure counsel is hereby **ADOPTED** as the findings of fact and conclusions of law of this Court; and

FURTHER ORDERED that Defendant Transportes's answer is hereby stricken from the record; and

FURTHER ORDERED that Clerk of the Court shall enter default against Defendant Transportes pursuant to Fed. R. Civ. P. 55(a); and

FURTHER ORDERED that Plaintiff may move for default judgment in accordance with Fed. R. Civ. P. 55(b) no later than September 30, 2006.

SO ORDERED.

/s/ JOEL A. PISANO

United States District Judge

Original: Clerk
cc: Judge Hughes
All Parties
File